


IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JONATHAN REIS,  
Appellant,  
vs.  
JERRY HOWELL, WARDEN,  
Respondent.

No. 79837-COA

**FILED**

APR 27 2020

ELIZABETH A. BROWN  
CLERK OF SUPREME COURT  
BY   
CHIEF DEPUTY CLERK

*ORDER OF AFFIRMANCE*

Jonathan Reis appeals from an order of the district court denying a postconviction petition for a writ of habeas corpus filed on June 12, 2019. Eighth Judicial District Court, Clark County; Tierra Danielle Jones, Judge.

Reis claims the district court erred by denying his claim that the Nevada Department of Corrections (NDOC) was improperly denying the application of earned statutory credit to his minimum and maximum sentences. The district court found that NDOC was properly applying statutory credit to Reis' maximum sentence. The district court also found Reis was convicted of one count of trafficking in a controlled substance, a category B felony, *see* NRS 453.3385(1)(b), for acts he committed in 2015. Therefore, the district court concluded NRS 209.4465(8)(d) prohibited application of earned statutory credit to Reis' minimum sentence. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Next, Reis claims the district court erred by denying his claim that NDOC's failure to apply his statutory credit to his minimum term violated the Equal Protection Clause. This claim lacked merit. *See Vickers*

*v. Dzurenda*, 134 Nev. 747, 748-51, 433 P.3d 306, 308-310 (Ct. App. 2018) (rejecting similar claim). Therefore, we conclude the district court did not err by denying this claim.


Reis also claims the district court erred by denying his claim that NDOC's failure to apply statutory credit to his minimum term violated the Ex Post Facto Clause. A requirement for an Ex Post Facto Clause violation is that the statute applies to events occurring before it was enacted. *Weaver v. Graham*, 450 U.S. 24, 29 (1981). NRS 209.4465(8)(d) was in effect at the time Reis committed his crime. Therefore the district court found Reis failed to demonstrate an Ex Post Facto Clause violation. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

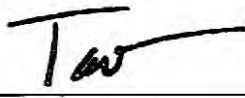
Reis also claims the district court erred by denying his claim regarding work and meritorious credit. Reis claimed he had made every effort to work and participate in educational or rehabilitation programs. The district court found that Reis was not entitled to credit for work or meritorious credits because he did not actually work or complete educational or rehabilitation programs. *See Vickers*, 134 Nev. at 748, 433 P.3d at 308. The record supports the district court's findings, and we conclude the district court did not err by denying this claim.

Next, to the extent Reis claimed he was entitled to the application of statutory credit pursuant to NRS 209.4465(9), his claim lacked merit. NRS 209.4465(9) does not apply to Reis because he is not entitled to credit under NRS 209.4465(8). NRS 209.4465(9) simply sets a limit on the amount of statutory credit that can be applied to a minimum sentence for certain offenders. We therefore conclude the district court did not err by denying this claim.

Finally, Reis claimed the district court erred by denying his petition without first conducting an evidentiary hearing. However, Reis failed to support his petition with specific facts that, if true and not belied by the record, would entitle him to relief. *See Hargrove v. State*, 100 Nev. 498, 502-03, 686 P.2d 222, 225 (1984). Therefore, we conclude the district court did not err by denying the petition without first conducting an evidentiary hearing. Accordingly, we

ORDER the judgment of the district court AFFIRMED.

  
\_\_\_\_\_, C.J.  
Gibbons

  
\_\_\_\_\_, J.  
Tao

  
\_\_\_\_\_, J.  
Bulla

cc: Hon. Tierra Danielle Jones, District Judge  
Jonathan Reis  
Attorney General/Carson City  
Attorney General/Las Vegas  
Eighth District Court Clerk